

### REMARKS

In response to the Office Action mailed on February 17, 2005, Applicants cancelled claims 2, 8, and 29-35, amended claim 1, and added new claims 51-58. Claims 1, 3-7, 9-28, and 36-58 are presented for examination.

The Examiner objected to the drawings for failing to show every feature specified in the claims. In particular, the Examiner stated that the drawings failed to show a material that is substantially transparent to light that emerges from the light emitting device. But, this feature is shown, for example, in FIG. 14 and described, for example, in the application as originally filed at page 8, lines 8-14. The Examiner also stated that the drawings failed to show a packaged device as recited in claims 3 and 4. But, this feature is shown, for example, in FIG. 1 and described, for example, in the application as originally filed at page 12, line 24. The Examiner also stated that the drawings failed to show a packaged device in which first and second sheets form a portion of the packaged device as recited in claims 37 and 41. Applicants added new FIG. 23 to address this objection. In addition, the Examiner objected to FIG. 14. FIG. 14 was amended by a preliminary amendment filed on February 14, 2005. In view of the foregoing, these objections should be withdrawn.

The Examiner rejected claim 24 under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. However, an embodiment in which the pattern extends beyond the first layer was disclosed in the application as originally filed, for example, at page 31, lines 24-29. Therefore, this rejection should be withdrawn.

The Examiner rejected claims 1-28 under 35 U.S.C. § 103(a) as being unpatentable over Krames (US 5,779,924) in view of Heremans (US 6,504,180) and Schofield (US 6,690,268).

Applicants canceled claims 2 and 8, so the rejection of these claims should be withdrawn.

As amended, claims 1, 3-7, and 9-28 cover devices in which a phosphor material is disposed on the first layer. Neither Heremans nor Schofield disclose or suggest such devices.<sup>1</sup>

---

<sup>1</sup> Should the Examiner maintain his position that "prior art teaches an LED comprising a phosphor material disposed on the surface of the first layer," Applicants believe that the Examiner must explain the pertinence of each reference and designate the particular part of the reference where the subject matter is allegedly disclosed. (37 C.F.R. §1.104(c)(2)).

Neither Krames, Heremans, nor Schofield, alone or in combination, disclose or suggest the light emitting devices covered by claims 1, 3-7, and 9-28. There is no suggestion to combine these references to provide such light emitting devices. Even if the references were combined, the result would not be the light emitting devices covered by these claims. Applicants therefore request reconsideration and withdrawal of the rejection of claims 1, 3-7, and 9-28 under 35 U.S.C. § 103(a).

The Examiner rejected claim 36 under 35 U.S.C. § 103(a) as being unpatentable over Krames (US 5,779,924) in view of Heremans (US 6,504,180) and Schofield (US 6,690,268). Claim 36 covers light emitting devices in which a ratio of a height of the light-emitting device to an area of the light-emitting device is sufficiently small enough for the white light to extend in all directions. However, none of Krames, Heremans, and Schofield disclose or suggest a device having such a ratio.<sup>2</sup>

Neither Krames, Heremans, nor Schofield, alone or in combination, disclose or suggest the light emitting devices covered by claim 36. There is no suggestion to combine these references to provide such light emitting devices. Even if the references were combined, the result would not be the light emitting devices covered by this claim. Applicants therefore request reconsideration and withdrawal of the rejection of claim 36 under 35 U.S.C. § 103(a).

The Examiner rejected claims 37-46 under 35 U.S.C. § 103(a) as being unpatentable over Krames (US 5,779,924) in view of Heremans (US 6,504,180) and Schofield (US 6,690,268). Claims 37-46 cover packaged light emitting devices having a first sheet comprising a material that is substantially transparent to light that emerges from the light-emitting device and a second sheet comprising a phosphor material, the second sheet being adjacent the first sheet. However, none of Krames, Heremans, and Schofield disclose or suggest such light emitting devices.<sup>3</sup>

---

<sup>2</sup> Should the Examiner maintain his position that "prior art teaches a phosphor material configured so that light generated by the light-generating region that emerges via the surface of the first layer interacts with the phosphor material so that the light that emerges from the phosphor layer is substantially white light, wherein the ratio of a height of the light-emitting device to an area of the light-emitting device is sufficiently small enough for the white light to extend in all directions," Applicants believe that the Examiner must explain the pertinence of each reference and designate the particular part of the reference where the subject matter is allegedly disclosed. *Id.*

<sup>3</sup> Regarding claim 37, the Examiner states that "prior art teaches a first sheet comprising a material that is substantially transparent to light that emerges from the light-emitting device; and a second sheet comprising a phosphor material, the second sheet being adjacent to the first sheet, wherein the light-emitting device is packaged. It would have been obvious to a person of


Neither Krames, Heremans, nor Schofield, alone or in combination, disclose or suggest the light emitting devices covered by claims 37-46. There is no suggestion to combine these references to provide such light emitting devices. Even if the references were combined, the result would not be the light emitting devices covered by these claims. Applicants therefore request reconsideration and withdrawal of the rejection of claims 37-46 under 35 U.S.C. § 103(a).

Applicants believe the application is in condition for allowance, which action is requested.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4/11/05

  
Sean P. Daley  
Reg. No. 40,978

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

21037284.doc

---

ordinary skill in the art at the time the invention was made to use a first and second sheets to form a portion of the package for the light-emitting device in the prior art's device, in order to simplify the processing steps of making the device by using the first and second sheets to form a portion of the package for the light-emitting device." Should the Examiner maintain this position, Applicants believe that the Examiner must explain the pertinence of each reference and designate the particular part of the reference where the subject matter is allegedly disclosed. Id.

Applicant : Alexei A. Erchak  
Serial No. : 10/724,006  
Filed : November 26, 2003  
Page : 12 of 15

Attorney's Docket No.: 16459-009001 / LD-09

Amendments to the Drawings:

Please substitute the enclosed 17 replacement sheets of formal drawings for the drawings presently in the application. The attached replacement sheets of formal drawings include newly added FIG. 23.

Attachments following last page of this Amendment:

Replacement Sheets (17 pages)